

THIRD
REPORT
FROM THE
SELECT COMMITTEE,
APPOINTED TO TAKE INTO CONSIDERATION
THE STATE OF THE ADMINISTRATION OF
JUSTICE IN THE PROVINCES OF
BENGAL, BAHAR, and ORISSA.

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T H I R D

R E P O R T

SELECT COMMITTEE



REPORT OF THE SELECT COMMITTEE

ON THE

ALLEGED VIOLATIONS

T H I R D
R E P O R T
F R O M T H E
S E L E C T C O M M I T T E E, &c.

The Select Committee appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

IN their further Inquiry concerning the Matters given them in Charge by the House, have considered the Disobedience of the Servants of the East India Company to the Orders of the Court of Directors, as a principal Object.

In order to discover the Cause of a Disobedience which threatens immediate Ruin to the Authority and Interests of this Kingdom in India, they thought it their Duty to examine into the Principles and Policy (if any regular Principle or Plan of Policy should appear) upon which the Court of Directors has conducted itself in the Government of those Servants.

Your Committee were particularly attentive to the Manner in which they promote Persons, in the Line of their Service from lower to higher, or to the highest Situation: Because their Proceeding in that Respect not only operates for Good or Evil in the particular Instance, but must, by the Example, materially influence the Behaviour of all those who act under the Directors, through all the Gradations of Office, and all the Successions to Rank and Power.

Your Committee was so forcibly struck with the late Nomination of Mr. John Macpherson to the Supreme Council of Bengal, and with the Consequences which might attend the Appointment to so important a Trust at this Time, of a Person who appears on the Records of the Company to be concerned in very unjustifiable Negotiations, that they have thought it absolutely necessary to make a separate Report on that Case before the sailing of the Ships to India; they therefore directed the East India Company to lay before them the Proceedings of the Council of Fort St. George, of the 22d and 23d of January 1776 (Appendix, N° 1.); and also an Extract of Fort St. George Military Consultations, of the 5th of February 1776 (Appendix, N° 2.); together with a Case and Opinion of Mr. Charles Sayer, Counsel to the East India Company, dated the 11th of February 1777 (Appendix, N° 3.); and also a Paper, purporting to be the Copy of an Opinion of Alexander Wedderburne, Esquire, upon the same Subject, dated the 7th of March 1777 (Appendix, N° 4.)

Your Committee, on perusing the Consultations at Madras, of the 22d and 23d of January 1776, find, that Lord Pigot, the then President, acquainted the Board, that a Paper, unsought for and unsolicited, had been put into his Hands: That no Signature was affixed to it; but that it contained Matter of so dangerous a Tendency to the Interests of the Company, that he thought it expedient to be laid before them.

This Paper purported to be a Memorial to the Nabob of Arcot, recapitulating various Services rendered to him in London. It appeared without any Signature; but was imputed to Mr. Macpherson. The Proceedings at large had upon that Subject, together with the Memorial, are annexed. Mr. Macpherson was called upon by the Board, and asked, Whether he was the Author of the Memorial then read to him? he said, "He could not give a *precise Answer*; that it was not *written* in his *Hand*, nor signed by him; and that it referred to Transactions before he was in the Company's Service."

This Answer was considered by Lord Pigot, not only as evasive and unsatisfactory, but as amounting to a clear Proof that Mr. Macpherson was the Author of the Paper. He was of Opinion that Mr. Macpherson's Plea, of his not being in the Service at the Time of the Transactions alluded to, was an Aggravation instead of an Extenuation of his Offence, "since he presumed to apply to be appointed into the Service of that Community which he was endeavouring to destroy;" and that the presenting the Memorial at that Time proved, that "he still held Principles unfaithful to the Company, and ruinous to its Interests." The President therefore moved, that he should be dismissed the Service.

The Resolution so moved was carried in the Affirmative by a Majority of Nine to Two only, who dissented. Four of the Council, in Addition to the Reasons assigned by the President, gave in a Minute, in which they assert that Mr. Macpherson was a Man "of such an intriguing Disposition as to render him unfit to be employed as a Servant of the Company;" that "they believe Mr. Macpherson to have been concerned in the *Intrigues* which the greater Part of the Board must be sensible *had lately been carried on at the Nabob's Durbar, to the Detriment of the Company's Service, and which may have impeded the Execution of their late Orders.*"

The Dissent to this Resolution, on the Ground of its not being conformable to the Company's Instructions, which in Case of Removals required a regular written Charge and Hearing, together with the Reasons given by those who concurred in the Dismissal, either for not thinking the Order strictly applicable to that Case (if in that Case applicable) that it ought to be dispensed with, appear in the Proceedings annexed to this Report.

Your Committee observe, that Mr. Macpherson, when questioned at Madras for the Memorial, though he denied it to be written in his Hand, did not deny it to contain his own Account of his own Transactions, presented to his Principal the Nabob of Arcot, as a Plea of Merit and Title to Reward. Neither in his subsequent Letter to the President and Council, nor in any of his Applications to the Court of Directors, does he make the least Complaint that an Injury had been done to his Character, by imputing to him a Paper which he had not written. He neither denies that Paper, nor the Facts related in the Paper; nor enters into any Explanation whatsoever on the Subject, either of the one or the other.

The Court of Directors, on their Part, seemed much less solicitous about the Effect which the Example of restoring Mr. Macpherson must have on the Discipline of their Service, than about the Means of getting clear of the Law made expressly to enforce that Discipline. They laid the Case, with the Documents, before their Standing Counsel, the late Mr. Sayer; and the Point (the only Point) on which they require his Opinion, is, whether "if they should see *proper* to restore Mr. Macpherson, it *could* be done without the Consent of Three-fourths of the Directors and Three-fourths of the Proprietors, in the Mode prescribed by the Act of Parliament."

Mr. Sayer, in his Opinion delivered on the 1st of March 1777, although he appears to consider the Dismissal as informal, is clearly satisfied that Mr. Macpherson *cannot* be restored under the Act but on the Conditions therein prescribed, namely, the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors; and further submits to the Consideration of the Court of Directors, whether he [Macpherson] *was a proper Person to be continued in the Company's Service*; "that, in his Opinion, he had too much Connection with the Nabob of Arcot; and when the Company's Interest and the Nabob's were at Variance, *as they would often happen, they will greatly disturb a Man of Honour and Integrity.*"

This Opinion of their own Standing Counsel seems to have been by no Means satisfactory to those in the Direction, who wished to evade the Rule laid down in the Act of Parliament. They appear so solicitous by all Means to keep clear of that kind of Decision, that they exerted themselves to find out other Authorities to set up against their ordinary Advisers in Matters of Law; for which Purpose, the then Chairman produced to the Court of Directors, on the 2d of the July following, a Paper, purporting to be the Copy of an Opinion of Mr. Wedderburne, then Solicitor General; in which he declares Mr. Macpherson still in the Company's Service, looking upon the Dismissal as *null and void*; "that the Governor and Council of Madras have exceeded their Authority in proceeding against Mr. Macpherson without a Charge in Writing delivered to him, and Time given to make his Defence to it; and that Mr. Macpherson's Case only requires a Signification of the Displeasure of the Directors at so plain a Breach of the Company's Orders and Directions, to restore to him the Emoluments of his Station, of which he may have been deprived by the irregular Attempt to dismiss him."

It is remarkable, that this Opinion of Mr. Wedderburne was not given upon any Reference made by Order of the Court of Directors; nor was it expressed by the Chairman, Sir George Wombwell, who delivered it, at whose Request it was taken; nor was it so much as accompanied with the Case on which it was given. In those Circumstances it ought to have passed (whatever might have been the Authority of the learned Person in whose Name it appeared) as no regular Opinion at all.

The Directors who managed this Business, paying no Attention to the Opinion which had been regularly obtained (though they had called it in to direct their Judgment) thought proper upon the same Day on which the Paper signed by Mr. Wedderburne was produced, to order Mr. Macpherson to be restored to his Rank and Station in the Service, without recurring to the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors, and indeed without giving any Notice at all to the Proprietors; who having, in Cases of Dismissal, a Right reserved to them by the Act of Parliament, ought to have had an Opportunity of asserting that Right, and of bringing it to Trial, if in their Judgment the Case should come within the Statute.

In consequence of the above Resolution, Two Days after, that is, on the 4th of July, they wrote to the Presidency of Madras as follows, "That having taken the Opinions of Counsel upon the Dismissal of Mr. J. Macpherson (a Factor upon the Establishment) and they agreeing that the same was done informally, and of course is void, we direct that he remains in the Company's Service, with his proper Standing; but as his Behaviour was disrespectful to your Board, and in other Particulars very reprehensible, we direct that you give him a severe Reprimand, and acquaint him that a like Conduct will meet with a severer Punishment."

The Fallacy of this Statement of the Opinions of Counsel, made in this Letter, could not escape the Notice and Reprehension of Your Committee. The Directors have stated that "the Counsel had agreed the Dismissal was informal, and of course is void."

The Writers of this Letter have thought fit wholly to misrepresent the Case, the Agreement of Counsel having extended solely to the Informality of the Dismissal, and not at all to the Idea of its being of course void. On this Point their Opinions were so far from being agreed, that they were totally the Reverse of each other; one indeed considering the Dismissal as null; but the other held that though informal it was yet valid, and so far of Effect as, to require for Mr. Macpherson's Restoration, that very Course which the Directors were so solicitous, by taking a new Opinion, to avoid.

Of the Charge itself, for which this Dismissal (formal or informal) was inflicted as a Punishment, the Directors find Mr. Macpherson guilty; for, besides the disrespectful Behaviour to his Superiors, with which they load him, they declare his Conduct "very reprehensible in other Particulars." But as nothing else was charged upon him in that Transaction, except those Particulars for which he was dismissed, those Particulars, with the aggravating Epithet of very, they find reprehensible; and they order him a severe Reprimand, with a Menace of a still severer Punishment in case those reprehensible Practices should be renewed.

But lest Mr. Macpherson should be crushed by the Severity of this Reprimand, or too much alarmed with the Harshness of it, or might be in Danger of incurring their future Resentment, and the severer Punishment threatened, they permit him to remain in England without once calling upon him to perform the Duties of the Station to which they were so very anxious to restore him, and without giving a Colour to his future Advancement, by affording him any Means of effacing the Demerit of his past Conduct by better Behaviour. He therefore continued in England until the Month of January 1781, when they thought proper all at once to raise him from the low Station in the Company's Service which he held with so little Attention to its Duties, and with such acknowledged Circumstances of Misconduct, to the high Office of Counsellor in the Council General of Bengal.

His Conduct on this Occasion came a Third Time before the Court of Directors. His Memorial to the Nabob of Arcot was again considered; and notwithstanding the Dissent of some of the Directors, and the Protest of One of them (on the Ground of the absolute Illegality of his Restoration to the Service) Mr. Macpherson's Appointment, without any new Reference on the Matter of Law to Mr. Rous, the Company's then Counsel, was presented to His Majesty's Ministers, who obtained the Royal Approbation to that extraordinary Measure.

Your Committee must here remark, that the Court of Directors on the 28th of November 1780, came to the Resolution of inquiring into the Conduct of the Company's Servants in Bengal, previous to the 14th of December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency, and which Resolution was confirmed by a subsequent Court of the 15th of December following; on that Day it was also resolved to proceed to appoint a Member of the Council General of Bengal on the 3d of January ensuing. On which Day a Motion was made to postpone the Consideration of the Appointment of a Member of the Council General in Bengal, until the Conduct of the Servants in that Presidency had been fully investigated, which passed in the Negative: Mr. George Vanstrutt and Mr. Philip Milner Dacres, who were Candidates for the Vacancy of a Counsellor in the Supreme Council, were then proposed, and rejected, and Mr. John Macpherson was nominated to that Office.

Your Committee having made such frequent Reference to the Practices described in Mr. Macpherson's Memorial, thought it proper to examine into the Conduct described in it, which, if it did not recommend, at least was not supposed to disqualify him for an Employment of the greatest Trust in the Affairs of the East India Company, in order to discover what the true Nature and Tendency of that Conduct was.

It appears that Mr. Macpherson went to Madras in the Year 1766, Purser of an India Ship, commanded by Captain Macleod; and having found Means of Introduction to the Nabob of Arcot, he so far ingratiated himself with that Prince, as to be sent "on a *secret* Commission to His Majesty's First Minister of State, in the Year 1767, in order to free him from various Oppressions under which " he was labouring." He arrived (to use his own Expression) " at the Court of Britain," towards the End of 1768. There he employed himself for a considerable Time in a Multitude of dark and mysterious Intrigues; the Spirit of which appears sufficiently in his Memorial, though all the Particulars cannot be specified, as he frequently refers to other Memorials, and to other Papers of various Sorts, which have not hitherto been brought to light.

It is however manifest, that the whole Tenor of his Negotiations were adverse and hostile to the Company; and in many Respects highly dangerous and disgraceful to the Government of this Kingdom. It appears from his Paper, that he took Advantage of the Disputes between the Company and Government, to promote the Interest of his Employer; and that the Tendency of his Writings was to shew, that the Support of him (the Nabob of Arcot) by the Crown, in the Rights of his Guarantee, was the best *Restraint* upon the Usurpations of the Servants of a *certain* Company; and in his general Stile of Complaint of the Situation of the Princes in India, he states it to arise from the *usurped Authority of the commercial Subjects of the State*.

It is not easy to comprehend the Nature of that usurped Authority by British Subjects on the Rights of the Crown, which could make the Support of the Rights of a Foreign Power the best or any proper Restraint on those Subjects. The Disputes between Government and the East India Company at that Time, turned on the Territorial Acquisitions of the latter in India; and Foreign Interposition in such a Dispute, was neither necessary nor proper to the full Assertion of any Rights in the Crown, which has abundant Means of its own to restrain the usurped Authority (if such should be found to exist) of British Subjects of all Descriptions. But your Committee are of Opinion, that an Attempt on the Part of a British Subject to intrude the Claims of a Foreign Power, in Aid of any Authority within this Kingdom, or to make such a Power a Party in domestic Disputes, was a Measure full of Rashness and Presumption. Mr. Devaynes and Mr. Sullivan, the Chairman and Deputy Chairman, who must have seen the East India Company treated in such a Manner, and distinguished by such Epithets by Mr. Macpherson, were bound to make strict Enquiry into his Practices against an Authority which they at least ought to respect, and as far as it was legal, to assert and enforce. He had referred for the full Explanation of those Practices to a certain Memorial N^o 2. which they might have called on him to produce. But it does not appear that they made that or any other Enquiry into the Grounds of Fitness for Trust, for which they informed your Committee they thought him the fittest Person.

If the Nabob of Arcot had been in any Particular injured or oppressed, it would have become his Agent, with Decency and Candour to lay the Matter of Grievance, distinctly and specifically stated, before the Court of Directors, and with the same Simplicity and Openness to have proceeded with His Majesty's Ministers. But it does not appear that at that Period of Time any particular Grievances were at all laid before the Company; and in his Applications to the Ministers, he continually talks of Secrecy, Reserve, and Caution. His Commission was wholly concealed from several Persons with whom he treated, and it only came out Piece-meal and by Degrees to the Principal. The whole of the Subject Matter of his Negotiations is couched in Terms so ambiguous and obscure, that little can be discovered concerning the Nature of those Grievances, of which he pretends to have sought Redress.

Your Committee, who are of Opinion that the Grievances of the Native Powers and People in India are a principal Object of Parliament in the Enquiry committed to them, have endeavoured to find out the Nature of those Grievances, real or pretended.

The only Grievance which appears in any Thing like a specific Form, is the Enforcement of the Debt due to the Company. On examining into this Debt, they find it to be for Expences incurred by the Company in Support of his Employer, and for his Establishment in the Place he holds in the Government of the Carnatic, the Justice of which he had, by the strongest Expressions, frequently and fully acknowledged.

It is true, that Mr. Macpherson appears in general Terms to have complained to the Minister, " that the Nabob had been treated by the Company's Servants with Indignity and even with " Tyranny." This Matter however he never appears in any Sort to have explained, though it was highly necessary to be as explicit as possible on the Subject, if the Grievance had been real. General Complaints are little attended to; because sufferings as they are strongly felt are easily particularized; and Guilt can only be proved, or Redress obtained, on special Matter. It was the more necessary to be clear on that Subject, as the Nabob had very recently given a direct contrary Information to the Court of Directors (on their having expressed some Suspicion of the Misconduct of their Servants towards him.) In a Letter without Date, but received in London in November 1766, he says " that his Government was firmly settled under their (the Company's) Favour and Protection, and that he was free from all Manner of Apprehensions. On the 12th of December 1766, to Governor Palk, he goes much further, " that he is so far from having any Cause of Complaint against the Company's Servants, or Officers, that he has always found them ready to " sacrifice even their Lives for his Service, and that he must, in Justice to the Characters of both " Company's Servants and Officers, entirely clear them, or any of them, from ever having extorted " Money from him, either by exorbitant Interest or otherwise:"—" They have (says he) on the con-

trary, learnt to esteem the Company's Affairs and mine as one and the same; they have never offered me *any Oppression* of any Kind."—On the 14th of July 1767, he writes, "That he had resided at Madras for a *Twelvemonth past with the greatest Pleasure and Satisfaction*; that it would be the highest Ingratitude in him not to mention how kind and favourable their Governor and Council had been to him, in putting their (the Company's) Order into Execution."

The whole Letter is full of Acknowledgments of the substantial Favours he had received from the Company and their Servants, and declaratory of the highest Confidence in both. So late as the Month of November 1767 (the very Year when Mr. Macpherson represents himself as appointed to the secret Commission on which he made his Complaint) so far from complaining of that "Indignity and even Tyranny," which Mr. Macpherson represents him as suffering from the Company's Servants, he informs the Directors, "that the Governor and Council are *ever contriving* Means of honouring him in the Eyes of his People." In other Parts of the same Letter, he states strongly his Obligations to the Company and their Government, for many Favours done to him and his Family.

No Complaints of the Kind appeared before the Court of Directors until about Two Years after Mr. Macpherson's first secret Commission, which he states to have been in 1767, though he did not arrive in London till 1768. Those Complaints were even then loose and general, and the apparent Consequences of the Failure of some of his ambitious Projects; the Blame of which Failure the Nabob and the Company's Servants mutually threw upon each other, and for the engaging in which, the Company has justly censured both: The Objects therefore of Mr. Macpherson's Mission, must have been of another Nature, being *prior* to this Quarrel. If any subsequent Matter of Complaint had come to his Knowledge, the Time and Occasion ought to have been stated when this Change in the Behaviour of the Company's Servants had happened, in what Instances it had happened, and who were the Persons in fault, in order that the Company and the King's Ministers might be able to form a clear Judgment on the Merits of the Case; for nothing could be more irregular and blameable on the Part of the Nabob, than to see the Company's Records full of his Commendations of their Servants, and Acknowledgments of the Justice of his Debt to them, both under his own Signature, whilst he maintained an Agent here, complaining to His Majesty's Ministers of the Tyranny of those Servants, as well as of the Injustice of the Company's own Demand.

The Memorial itself, amidst all its studied Reserves and mysterious Hints, when compared with the Company's Records, affords some Insight into the Nature of Mr. Macpherson's Embassy, and into the Nature of the pretended Suffering. The Superiority of this Nation, and his Dependence on it, was become a Grievance to the Nabob of Arcot. So early as his settling the Terms of Peace with Monsieur Law, he appears to have acted with a View to this Independency. In his Letter to the Court of Directors, the 4th of November 1767, he informs them, that he had *proposed* (to Monsieur Law) "in case of a new War breaking out between the French and English, it must not be brought into this Country; to which he (Monsieur Law) assented." So far as the Nabob and the French were concerned, according to his Account, the Matter appears to have been concluded. The Nabob afterwards attempted to draw the British Government into an Agreement for this Neutrality. He applied to Governor Palk, who very properly declared he had no Power to agree to it, without Orders from Europe. The Nabob, on this Refusal, very warmly pressed the Object which he had previously proposed and settled with *Monsieur Law* to the Court of Directors, on Pretence of preserving the Peace of that Country, which he and his English Advisers had before and afterwards so wantonly exposed to War and Devastation, for Purposes in which this Nation had no Concern. Had he succeeded in establishing this Plan of Neutrality, the Power of France would at this Day have been truly formidable in India, if not absolutely superior, as Pondicherry must have remained in perfect Security as a Place of Arms in the Center of the Carnatic, from whence Force might have been detached to every other Part of India.

To strengthen this dangerous Pretence to Independency (upon the Supposition of which the Nabob of Arcot, without any previous Consultation with the Presidency, undertook to negotiate a Neutrality with France) various Contrivances appear to have been set on foot.

Mr. Macpherson represents himself as the first Inventor, or at least the first public Propagator, of a Construction of an Article of the Treaty of Paris, in Favour of the Nabob of Arcot. By that Construction (which, about the Time alluded to by Mr. Macpherson, appeared in various Publications) the Nabob would be rendered wholly independent of this Nation; and France would obtain a Title to interfere in all Transactions between him and the East India Company, as a Guarantee of that Independence. It was therefore highly reprehensible in Mr. Macpherson, and perfectly contrary to his Duty as a British Subject, to invent and propagate in Europe, and instill into the Mind of his Employer in India, a mischievous and groundless Fiction, by which an Officer of the Mogul, wholly upheld in his Authority by the Strength of this Nation, operating through the Company, was to be raised to a Rank equal with the Sovereign Powers in Europe, and to be considered as a Member of their general System.

By Means of such flattering Delusions, the Ambition of the Nabob Mahomed Ali had been, before this Invention as well as ever since, stimulated to desperate Designs and Enterprizes, which have disturbed the Peace of India, shaken the lawful Government of the Company at Madras, wasted his own Revenues, and at length brought the Power of Great Britain in that Part of the World to the Verge of Ruin.

Among the principal of these Enterprizes is to be reckoned the Attempt of the Nabob to usurp the Seat of his original Superior, the Soubah of the Decan. Mr. Macpherson, in his Memorial, claims the Merit of putting into the Hands of Persons of Distinction in England, Publications made for the Purpose of countenancing a Project wholly derogatory to the Honour and good Faith of the British Nation, and the direct Tendency of which was to plunge all India into Blood and Confusion.

By the Fourth Paragraph of the Memorial, some Light is thrown upon the Part Mr. Macpherson acted in another Design of the Nabob; which, as well as the former, had been discountenanced by the Court of Directors, and was in its Tendency equally dishonourable, and nearly as dangerous. It is the unnatural Design, which appears to Your Committee to have been formed by the Nabob, to disinherit his eldest Son, a Person of a gentle and humane Temper, of undoubted Attachment to the Interest of Great Britain, and of Abilities to do Credit to the Situation to which he is entitled. This Design was formed in direct Violation of the Grant (real or pretended) by which the Nabob is at all entitled to any Succession in his Family, and in which the Succession is specifically settled upon his eldest Son, as will appear by the Firman in the Appendix, N^o 5.

The Court of Directors have been since then apprized of the Scheme, by the Presidency of Madras, who attended their Information with judicious and apposite Reflections upon a Matter of so arduous and alarming a Nature.

Mr. Macpherson, in order to prevent the Company from acting as their Honour and Interest demanded on this Occasion, attempted to make even Parliament itself an Instrument in this shameful Proceeding, by proposing to Persons in Office, "to bring about an Act of Parliament, limiting the Power of the Company's Servants, and making it a Crime in them against the State, to interfere with the Government and Succession of the Indian Princes in Treaty with the Company; and that he endeavoured to make *this Act particularly relative to the Nabob and his Posterity*;" that is, Mr. Macpherson proposed to prevent the Interference in the Nabob's Succession, of those very Persons by whose Credit and Power the Grant to that Succession had been attained.

The same Memorial acquaints the Nabob, that the then Secretary to the Treasury had accepted a Proposal for that Purpose, to be laid before Lord North and Mr. Dyson; a Copy of which Proposal, he says, is in the Hands of the Nabob, "by which the Nabob will see, that I (meaning he, Macpherson) stipulated to be at the Expence of the Act, *et cetera*, out of my own Pocket."

Your Committee observe, that Mr. Macpherson has taken Advantage of the Ignorance of his Employer in Parliamentary Proceedings, to state himself as offering to be at the Expence of an Act of Parliament, when in Reality no justifiable Expence can be incurred for a Public Act, such as that which he proposed must have been, if it had been at all. But the stipulating to be at the Expence of this Act, with the significant *et ceteras*, out of his own Pocket, which in England would be ill calculated to deceive, was perfectly consonant to the Ideas generally entertained in India, and which have not been thoroughly effaced by a Communication with Europeans, of what is called *Durbar Charges*, which signifies *Presents* ordinarily made, in order to obtain Objects solicited from Persons in Power and Authority.

That the Nabob had probably seen nothing in his Intercourse with Europeans which might convince him that Mr. Macpherson could never have in Reality stipulated to be at such Expence, *et cetera*, out of his own Pocket, appears by a very remarkable Incident in these Negotiations, to which your Committee wish particularly to call the Attention of the House.

At the First Interview of this Minister of the Nabob with one of His Majesty's Ministers (the Duke of Grafton) he offered to bestow on him certain *Presents* (which he calls *Credential Presents*) on the Part of the Nabob. These Presents the Duke of Grafton refused to receive. On his Refusal, Mr. Macpherson conceived, that though they might not suit the Minister, they might with Propriety, and possibly with some Effect, be received by a *Subordinate in Office*: Seeing therefore the Presents lie rejected, he "took them up, and offered them, in the Name of the Nabob, to his Grace's Secretary, Mr. Bradshaw." Mr. Bradshaw is represented as making a short Speech, which ended on his Part by declaring, that Mr. Macpherson "would forfeit his Esteem if he insisted on his disgracing the Example of the Duke of Grafton."

Mr. Macpherson states himself as thrown into the greatest Perplexity and Distress by this Refusal of the First Commissioner of the Treasury and his Secretary to receive his Presents. His Reasons are remarkable, as they indicate the Notions his Employer, the Nabob, entertained concerning the Principles and Motives upon which this Business was transacted in England. Mr. Macpherson's own Words are most perfectly expressive of his Sentiments and Feelings in an Emergency so critical to all his Reputation for Address and Dexterity: "I cannot describe what I felt on this Occasion. Upon reflecting, I thought it would be difficult to persuade my Employer that Men, who would not receive his Presents, had any serious Intentions to serve him. I likewise apprehended, that being without any Proof of having insisted upon their being received, my Want of Persuasion would be found Fault with."

The Presents which Mr. Macpherson was directed to offer to one of His Majesty's Ministers, were only preliminary to further Offers of a far more extensive Nature, which Your Committee find it necessary to state to the House, to demonstrate the unexampled Boldness, Vastness, and Extravagance of the corrupt Projects formed by the Advisers and Instruments of the Nabob of Arcot, in order to render all

all Branches of the Government of this Kingdom dependent on them; and subservient to their Views.

As soon as Mr. Macpherson had prepared his Ground at the Treasury, he thought it proper to open what he calls "his first and grand Injunction:" This consisted in an Alternative of Two Offers, the First of which was a Proposal of lending to the Public a Sum of 70 Lacks of Rupees, or about 700,000 Pounds Sterling, at so low an Interest as Two per Cent.

This Proposal was covered with a Pretext of providing a sure and settled Maintenance for the Nabob's youngest Children. There seems to be no Reason for preventing the Nabob from openly purchasing and securing to that, or to any Amount, at the current Price, and with the common Advantage (which was then much more than Two per Cent.) in any of the British Funds, nor any Occasion for Secrecy in the Transaction, if no other Design was entertained than that which was expressed.

But there was, indeed, abundant Reason for making his other Part of the Alternative, which Mr. Macpherson calls "his confidential Proposal," a very profound Secret; for the Tenor of this Offer was, that in case the foregoing Proposal "should not be agreeable, the Nabob would lend the *same*, or "a greater Capital to the Treasury, as a Pledge of his Fidelity towards, and Trust in the British State."

In what Manner this Loan to the Treasury was to be made, how it was to be secured, and above all, what Objects it was to be applied to, and what Purposes it was intended to answer, these Matters are not at all explained in the Memorial; like many other Parts of the Transaction, they are wrapped up in an obscure and alarming Mystery.—A Loan of that astonishing Magnitude to the Treasury of Great Britain, by a Foreign Potentate, is a Matter of very serious Consideration.

The Court of Directors, when a Memorial of this extraordinary Nature came no less than Three Times before them, could not avoid observing, that the Nabob of Arcot, at the Time of his offering such a large Loan as £. 700,000 to the Public, and even a larger *confidentially* to the Treasury, was making every Kind of Delay and Difficulty in the Payment of what he owed to the Company; that he constantly represented himself as overwhelmed with Debt to Individuals, and that these Debts had been contracted at so high a Rate as Twenty, Twenty-four, and even Thirty-six per Cent. Interest, and that he still continued to borrow at exorbitant Usury. He asserted, that he had offered even an Hundred and Twenty per Cent. to obtain Money, in order to make some of his Payments, without being able to procure it—That when the Company had ordered his Debts to be reduced to Ten per Cent. he represented it as likely to prove ruinous to his Credit; and on that Ground prayed a Respite of the Execution of the Order—yet by his secret Instructions to his Agent, he considers himself at the very Time as having so much the Command of ready Money, that he offers at Three Payments to advance so vast a Sum as £. 700,000 at so low an Interest as Two per Cent. to the British Public, or even a greater, without any apparent Stipulation of Interest at all, confidentially to the Treasury.

Mr. Macpherson declares himself incapable of expressing "the noble and respectable Idea which" "this confidential Proposal of the Nabob gave to the Minister." But it ought to have suggested Ideas of another Kind to the Court of Directors, who must have perfectly known that his Delays of Payment, both then and ever since, as well to his public as to his private Creditors, must have been a gross Fraud, if he were really Master of so much Treasure: If he were not, then the Offer itself must be a Fraud of another Sort, by which he hoped to engage the Ministry to enter into his Views, by holding out to them an Offer of Advantages which he was not able to realize. It is probable the Ministry, notwithstanding Mr. Macpherson's Representation to his Employer, must have treated the Offer in a different Manner from that which he describes. The Court of Directors, however, after that Representation, ought never to have taken into their Employment, a Person known to them to be concerned in such extraordinary Transactions. They could not peruse the Memorial before them, without being struck with the Multitude of Practices of this Agent, most, if not all of them, of the same pernicious Tendency towards the Honour and Interest of the Company.—His dating his Publications in the News-papers from Arlington Street, the Place of Residence of the then First Commissioner of the Treasury, with a Design of producing an Opinion that they were authorized by His Majesty's Ministers; his Use, for the same Purpose, of an *authoritative* Style to the Supervisors appointed by the Company; his Manner (which he says he cannot describe) of coming at the Instructions of the Supervisors; all these, with others of the same Nature (fully set forth in the Memorial aforesaid) must have convinced the Directors, that they could not have chosen a more unfit Person into whose Hands to commit the most important Affairs of their Constituents. In this Appointment therefore, Your Committee are of Opinion, That the Directors who voted for the said Mr. Macpherson, have been guilty of a flagrant Breach of their Trust.

When originally this Matter of Offence came before them, they ought not to have enquired only into the *Formality* of Mr. Macpherson's Dismissal; they ought to have enquired into the substantial Nature of the Charge for which he was dismissed; and if Mr. Macpherson had not cleared himself in a satisfactory Manner from that Charge, they, who had the Power, with the fullest Authority, and in perfect Form to Dismissal, were obliged by their Duty to put him out of the Company's Service, and not to take Advantage of Informality in Process to secure Indemnity for Crimes. If they had done their Duty in that Manner, the Act of Parliament would have had its natural Operation: But in this, and in many other Instances, it appears to Your Committee, that some Persons in the

Direction have countenanced an Evasion of the very Acts of Parliament formed for the Support of their own Authority.

The Directors undoubtedly are not obliged to follow the Line of Gradation; nor are they bound indispensably to attend to the Time of Service. They may, on good Reason, appoint absolute Strangers to any of their Offices. But when the Question is among Servants, and when those of high Rank and long and unexceptionable Service are passed over, and a Person neither long nor diligent in their Service, of low Rank in it, turned out from that low Rank for Misbehaviour, and restored to it with Censure and Reprimand; in such Competition among the Servants, to prefer the latter to all the rest, is to hold out a Lesson of the most pernicious Kind to those who act under them, a Lesson which tends wholly to reverse the Use of Rewards and Punishments. When it is considered that Mr. Macpherson appeared to the Court of Directors in no other Respect a Man of either Talents or Industry, but by his Exertions to their Prejudice, the Offence of Mr. Devaynes and Mr. Sullivan, who proposed and supported him, Your Committee conceive will appear much more heinous to this House.

When Persons entrusted with the Care and Conservation of any public Establishment, promote its known Enemies to the immediate Superintendence of its most essential Interests, a just Presumption arises, that they have intentionally betrayed their Trust: When Enemies so promoted are known to them to be concerned in an Attempt to carry on their hostile Designs by corrupt Practices, a Presumption arises, that the Trust is thus betrayed from *unworthy* Motives.

Mr. Devaynes on his Examination seemed to be ignorant of, or to have forgot most of the material Circumstances of the Transaction; and in general declined giving Information to Your Committee concerning the Grounds and Reasons of this Appointment, lest he should thereby accuse himself.

Mr. Sullivan declined answering several Questions apparently for the same Reasons.

Their Examination, which is annexed, will sufficiently indicate to the House the true Spirit of their Conduct.

Your Committee observe, That every Step hitherto taken in their Enquiry, convinces them more and more, that the Disobedience and Corruption of the Servants abroad (wherever such Disobedience and Corruption exist) may in great Measure be imputed to Intrigue, Cabal, and Management in Great Britain; to which heavy, inveterate, and growing Evil, no apt Remedy can be applied, but the constant Inspection of the House; with the Certainty that all these secret Intrigues shall in a reasonable Time undergo a public and parliamentary Scrutiny; and that no Servant of the Company can be safe in any new Office, whilst his Behaviour in the Offices which he formerly held, on such Scrutiny remains without a satisfactory Explanation; and that the Directors shall be as responsible for the Promotions they make of Persons justly obnoxious, as the obnoxious Persons whom they promote are for their own Conduct.

Your Committee finding these Papers to contain Matter of a very extraordinary Nature, and important for the Information of the House, have thought it necessary to enter them at large in the Appendix to this Report; and also to examine William Devaynes, Esquire, and Lawrence Sullivan, Esquire, at that Time Chairman and Deputy Chairman of the East India Company, concerning Mr. Macpherson's Appointment to the Office of Counsellor in the Supreme Council of India.—The Examinations of these Gentlemen are hereafter set forth; and the several Proceedings of the Court of Directors of the 24th and 28th of November, and 15th of December 1780, of the 4th, 5th, and 10th of January 1781, and the Dissent of John Manship, Esquire (one of the Directors) of the same Date, are also annexed in the Appendix, N^o 6. To these Materials Your Committee particularly request the Attention of the House, as they will afford the Grounds upon which Your Committee have formed the Opinions and Observations which they now lay before the House.

Your Committee are of Opinion, That the greatest Care and Circumspection is absolutely necessary to be observed in the Choice of Persons proper to fill the highest Stations in India; and they are confirmed and strengthened in this Opinion by a Letter from the Right Honourable Lord Stormont (then one of His Majesty's Secretaries of State) dated the 31st August 1781, to the Chairman and Deputy Chairman of the East India Company, where, in answer to a Memorial from the Court of Directors to His Majesty, praying that he would be pleased to confirm the Appointment of John Stables, Esquire, his Lordship gives it as the Opinion of His Majesty's confidential Servants, "That the Appointment to such an Office in the present critical Conjuncture, must be considered as a Matter of great National Concern; that the Situation of India required that the Supreme Council of Bengal should be filled by Men fit to govern a great Empire in War and Peace; but that the Company having unanimously chosen Mr. Stables, whose private Character had been represented to His Majesty in the fairest Light, and no other Competitor having appeared more worthy of their Choice, that therefore the King had been graciously pleased to approve the Appointment they had made, in full Confidence that Mr. Stables would discharge the Duty of this high and important Office in a Manner becoming the Character which His Majesty thought he deserved."

William Devaynes, Esquire, being asked, Whether he was in the Direction when Mr. John Macpherson was appointed a Member of the Supreme Council of Bengal? he said, He was—Being asked, Who was then Chairman of the East India Company? he said, He was—Being asked, Who proposed

[II]

posed Mr. Macpherson in the Court of Directors for that Appointment? he said, He does not recollect—Being asked, Whether he approved his Appointment? he said, He was appointed by the Court—Being asked, Whether he approved of his Appointment? he said, It was approved of by the Court—Being asked, Whether it met his personal Approbation? he said, He begged Leave not to answer that Question—Being asked, Whether there was not a Motion made, and repeated, to enquire into the Conduct of the Company's Servants in Bengal, as a necessary Preliminary to any Appointment for filling the Vacancy occasioned by the Resignation of Mr. Barwell? he said, His Memory is not very accurate; all the Proceedings relative to that Business stand upon the Records of the Company—Being asked, Whether any Inquiry was made agreeable to a Resolution of the Court of Directors of the 15th of December 1780? he said, That Matter is upon Record also—It being then represented to Mr. Devaynes, That as the Committee do not find that Matter upon Record, they desired him to inform them, Whether he recollects if any Inquiry was made agreeable to the above Resolution? to which he said, He does not recollect that there was any—Being asked, Whether he recollects after the Resolution of the Court of Directors was taken to enter into an Inquiry, why such Inquiry was not carried on? he said, He does not know—Being asked, How soon after that Resolution for an Inquiry was Mr. Macpherson proposed? he said, About Twenty Days—Being asked, How soon after that Resolution did they agree to fill up the Vacancy? he said, It appears by the Records on the same Day—Being asked, Whether it is not the usual Mode of transacting Business in the Court of Directors, for all Propositions to be brought forward either by the Chairman or the Deputy? he said, No—Being asked, What is the usual Mode? he said, Any Member proposes any Question he pleases—Being asked, If he recollects whether he himself proposed Mr. Macpherson? he said, Every Question is proposed by the Chairman, the same as it is by the Speaker in the House of Commons, on a Motion made by any Director—Being asked, Whether the Committee is to understand, that he proposed Mr. Macpherson officially as Chairman of the Court of Directors? he said, He believes he proposed Mr. George Vansittart, Mr. Dacres, and then Mr. Macpherson, all officially, he thinks, in the Order he has named them—Being asked, When he proposed Mr. Macpherson to be of the Council General (an Employment of the highest Trust and Power in the Company's Service) what Merits of Mr. Macpherson towards the Company did he state as a Reason for proposing him to the Court of Directors? he said, He did not state, nor did he propose—Being asked, What Station Mr. Macpherson had held in the Company's Service? he said, He does not recollect, but it will appear upon the Records—Being asked, Whether he had ever been in Office in Bengal? he said, He does not know—Being asked, If he knows whether he had ever been dismissed from the Company's Service? he said, No, he does not—Being asked, Whether he has never seen the Proceedings of the Governor and Council of Fort Saint George, of the 22d and 23d January 1776? he said, He does not know that he ever read or saw that Proceeding till within this Week—Being asked, Whether the Court of Directors was unanimous in Mr. Macpherson's Appointment? he said, He believes not—Being asked, Whether there was any Dissent to the Appointment? he said, He believes one from Mr. Manhip—Being asked, Whether he recollects the Opinion of the Company's Counsel, Mr. Sayer, being read before the Court upon this Appointment? he said, He does not recollect it—Being asked, Whether he recollects the Opinion of Mr. Sayer being taken upon this Appointment? he said, No, he does not—Being asked, If he recollects whether Mr. Macpherson had ever been in any higher Rank than Factor in the Company's Service? he said, He does not rightly recollect what Rank he held—Being asked, Whether he did not, before he officially proposed him to succeed to so high an Employment, enquire into the Rank he had held in the Service, the Length of Time he had served, and his Diligence and Fidelity in Service? he said, His Character, as well as the rest of the Candidates, was talked over in the Appointment—Being asked, Whether there was any particular Testimony of any remarkable Service done by Mr. Macpherson for the Company, to entitle him to such an Appointment? he said, He does not recollect there were any in behalf of any of the Candidates—Being asked, What turned the Scale in Mr. Macpherson's Favour? he said, It appeared to be the Voice of the Court.

Being asked, Whether he thinks it is for the Company's Interest for the Court of Directors to promote an Officer, low in Station, short in Service, without any special Merit in that Service either appearing on the Company's Records or alledged by himself, above all the old Servants of the Company, who filled Stations superior to him, and for many Years? he said, It is most for the Interest of the Company to promote those Servants who are best able to do their Duty—Being asked, What Proof Mr. Macpherson had given, during his Services to the Company, of his being best able to serve them? he said, It appears that the Court of Directors were satisfied with his Pretensions—Being asked, When a Selection is made out of the Company's Servants, whether Length of Service, and Merit in that Service, ought not to be considered? he said, Certainly—Being asked, Whether any Thing was alledged or appeared concerning the Length of Time or Merits of the other Candidates in the Service? he said, It was conversed upon—Being asked, Whether that Plea, in Favour of the other Candidates, was disproved? he said, It was not attempted, that he recollects—Being asked, Whether any Thing of the Kind was alledged in Favour of Mr. Macpherson? he said, He does not recollect what passed upon that Occasion—Being asked, Whether he knows Mr. Macpherson personally? he said, He knows Mr. Macpherson, and both the other Candidates, personally—Being asked, How long he has known Mr. Macpherson? he said, He has known his Person about Three Years—Being asked, Whether he knows or has heard any Thing of his Occupation or Employment in England? he said, No; he does not—Being asked, Whether Mr. Macpherson was not recommended to him by any Person in the Service or Employment of Government? he said, Not that he recollects—Being asked, How he could know that

Mr.

Mr. Macpherson had been in the Service of the Company, without knowing that he had been removed from it? he said, He could not give any other Answer than that every Body knew it—Being asked, Whether, upon Mr. Macpherson's Appointment, the Court of Directors did examine into the Merits of his Dismission from the Service by the Council of Fort Saint George? he said, He cannot charge his Memory with it.

Lawrence Sullivan, Esquire, being asked, Whether he was in the Direction when Mr. John Macpherson was appointed a Member of the Supreme Council of Bengal? he said, He was Deputy Chairman—Being asked, Who proposed him for that Appointment? he said, He believes the Chairman—Being asked, Whether he opposed it? he said No—Being asked, Whether there was not a Motion made, and repeated, to enquire into the Conduct of the Company's Servants in Bengal, as a necessary Preliminary to any Appointment for filling a Vacancy occasioned by the Resignation of Mr. Barwell? he said, There was a Motion made and carried for an Enquiry into the Conduct of the Company's Servants in Bengal—Being asked, Whether he voted for that Enquiry, or not? he said, He was one of those who agreed to that Motion—Being asked, Whether the Enquiry was made agreeable to the Resolution of the Court of Directors of the 15th of December 1780? he said, He does not at present recollect the Directors going into such Enquiry—Being asked, Whether he recollects, after the Resolution of the Court being taken to enter into an Enquiry, why such Enquiry was not carried on? he said, He really does not know—Being asked, Whether he recollects how soon after that Resolution passed, Mr. Macpherson was proposed? he said, It appears by the Minutes of the Court of Directors, that Mr. Macpherson was proposed the same Day—Being asked, When the Chairman proposed Mr. Macpherson to be appointed of the Council General (an Employment of the highest Trust in the Company's Service) what Merits of Mr. Macpherson towards the Company did he state as a Reason for recommending him to that Station? he said, He cannot recollect what he stated; but he believes he proposed him as the fittest Person for that Station—Being asked, Whether he thought him the fittest Person for that Station? he said, Taking into Consideration his Abilities and his Knowledge, he did consider him as a fit Person for that Station—Being asked, What Station he had held in the Company's Service? he said, He had been a Writer; and he believes, when he was dismissed, was a Factor at Fort St. George—Being asked, Whether he had ever been in Office in Bengal? he said, He believes not—Being asked, Whether he had been in any other Capacity in the Company's Service except those of Writer and Factor? he said, He believes not; though he has heard in an indistinct Way, that he went abroad as a Purser, or in some other Situation, under Captain Macleod—Being asked, How long Mr. Macpherson attended his Duty in the Capacity of a Writer and Factor resident in India? he said, As he was not a Director when he was appointed or when he was dismissed, he cannot answer that Question—Being asked, Whether, before he had formed his Judgment that he was a fit Person for so high an Employment, he enquired into his Rank, the Length of Time, and his Diligence in Service? he said, He certainly knew his Rank; and upon the Enquiries he made, he did not find any Complaints against him for Want of Diligence; and he must know his Length of Service was but short—Being asked, Whether there was any particular Testimony of any remarkable Service done to the Company by Mr. Macpherson, to compensate for the Lowness of his Rank, and the short Time of Service in that Rank? he said, He took up his Idea upon the general Opinion he entertained of his Knowledge and Abilities—Being asked, Whether he is personally acquainted with Mr. Macpherson? he said, Certainly; from his last Return from India in 1777—Being asked, Whether Mr. Macpherson stated to him any particular or special Service he had done to the Company, whilst he was in their Employ in India? he said, Not that he remembers—Being asked, Whether he thinks it is for the Company's Interest to promote an Officer, low in Station, short in Service, and without any special Merit in that Service, either appearing on the Company's Records, or alledged by himself, above all the old Servants of the Company, who filled Stations superior to him, and for many Years? he said, When the Supreme Council was first appointed, the Legislature and the Company did not seem to have in Contemplation either their Service or the Length of their Services; and for that particular Situation, he does think that Persons the fittest to fill that Station should be selected from Persons whether in or out of the Company's Service, where they should be found most fitting—Being asked, Whether, when the Selection is made out of the Company's Servants, their Length of Service, and Merit in Service, ought not to be among the Rules for estimating their Fitness for that Office? he said, Yes, provided they have Knowledge and Abilities equal or superior to others—Being asked, Whether amongst the Servants of the Company who were higher in Rank and longer in Service, no Person, equal to Mr. Macpherson in Knowledge and Abilities, was to be found? he said, He gave Mr. Macpherson his Vote because he thought him the fittest Person—Then the Question being repeated, and the Oath directed to be taken by the Directors of the East India Company before they act, being read, he said, He thought there were Persons equal in Knowledge of the Officers of the Company, but not in Abilities—Being asked, Whether he thought that Mr. Macpherson can be equal in practical Knowledge in the Company's Affairs, particularly in the Bengal Department, to those Servants of long Standing and high Rank in that Presidency? he said, He might not have equal Knowledge respecting the Bengal Department only, but he conceives that he had a very extensive Knowledge of the Affairs of the Company in general, in India—Being asked, By what Means he acquired it? he said, He cannot pretend to give an Answer to that Question—Being asked, Whether any of the Company's Servants, higher in Rank and longer in Service, have not had positive Merits with the Company?

Company? he said, He does not recollect—Being asked, How far did Mr. Macpherson employ his Abilities in the Service of the Company? he said, He does not know of any particular Instances—Being asked, Whether he heard of any Books or Publications of Mr. Macpherson's in England, relative to the Company? he said, He does not recollect that he has—Being asked, If he knows whether Mr. Macpherson was not dismissed from the Company's Service? he said, He does know that he was dismissed—Being asked, For what Offence he was dismissed? he said, He was not in the Direction at the Time, but he has heard that it related to some Transactions of Mr. Macpherson in England, for which he was questioned at Madras by the late Lord Pigot, and which ended in his Dismissal—Being asked, Whether upon his Appointment to the Supreme Council, the Court of Directors did examine into the Merits of those Transactions? he said, He thinks they did, and he does remember that the Directors took into Consideration his Dismissal, and there was read the Opinion of Mr. Sayer, the Company's Counsel, who gave his Opinion, that the Dismissal was legal and proper, but the Opinion of Mr. Wedderburne (the present Lord Loughborough) was clear, that the Dismissal was informal, and that Mr. Macpherson ought to be considered as still in the Service—Being asked, Whether the Directors inquired into the Merits of the Transaction itself, and not into the Legality or Illegality of the Dismissal only? he said, The Directors, he believes, heard all the Papers read in Court relative to the Transaction.

Being asked, Whether he has ever read the Consultations of the President and Council of Fort Saint George, of the 22d and 23d January 1776? he said, He believes he has read them—Being asked, Whether at the Time the Appointment of Mr. Macpherson was made, he did not know that he had been dismissed from the Company's Service by the President and Council of Fort Saint George, for holding Principles, and being concerned in Transactions, represented by that Council highly prejudicial to the Interest of the Company? he said, He certainly did know that such a Transaction had passed when he was not in the Direction; and as he found him restored to the Company's Service when he was in the Direction, he concluded that all those Matters had been passed over—Being asked, Whether there was any other Person who offered his Services to the Court of Directors, to succeed to the Vacancy of Mr. Barwell in the Supreme Council of Bengal? he said, He thinks Mr. George Vansittart did—Being asked, What Station had Mr. George Vansittart held in the Company's Service? he said, He thinks he had been a Member of the Council of Bengal—Being asked, Whether he recollects the Length of Mr. George Vansittart's Services? he said, He does not recollect; but as he went out a Writer, and rose gradually to the Rank of a Counsellor, he must have been there a considerable Number of Years—Being asked, In what Light the Character of Mr. George Vansittart, as a Company's Servant, was considered by the Directors? he said, It was not called in question—Being asked, Whether the Court of Directors had any Objection, on any Grounds of Objection, to make to the Conduct of Mr. George Vansittart whilst he was employed in their Service in Bengal? he said, He can only say there was none brought forward at that Time, nor did he hear that any was intended—Being asked, Whether any Ground of Objection did to his Knowledge exist? he said, He cannot say there were any—Being asked, Whether he did suppose that the Appointment of Mr. Macpherson to be a Member of the Supreme Council of Bengal, one who had never risen to a higher Rank than that of a Factor in the Service, and was dismissed from that Office by the Governor and Council of Fort Saint George, would be an Appointment acceptable to the Servants of the Company in India, his Seniors in Rank and Length of Service? he said, As he found when he returned to the Direction, Mr. Macpherson was restored to the Company's Service, he considered that all those Objections against him had been removed, and he had his Vote because he thought him the fittest Person: Mr. Sullivan further added, That he could not possibly answer to what the Servants of the Company might think upon the Subject—Being asked, Whether it was not a Principle long since established with the Company, that Length of Services and upright and faithful Conduct should be promoted and rewarded, as an Excitement to the Company's Servants in general zealously to discharge their Duty to the Company in their respective Stations? he said, It has been generally the Principle which has governed the Company in their Appointments Abroad—Being asked the Time when Mr. Macpherson was restored to the Company's Service? he said, He was not in the Direction when he was restored; but the Letter from the Court of Directors to the Governor and Council of Fort Saint George, of the 4th of July 1777, informs the Council of his Restoration—Being asked, Whether Mr. Macpherson was in the Service of the Company from the Time of his Restoration to the Time of his Appointment to the Supreme Council in India? he said, He believes he was; but did not return to India until he was appointed to the Supreme Council—Being asked, Whether Mr. Macpherson was in the Pay of the Company from the Time of his Restoration to the Time of his Appointment to the Supreme Council? he said, He believes he was not—Being asked, Whether there were any particular Reasons why Mr. Macpherson, being a Servant of the Company, should be permitted to remain in England between Three and Four Years after his Restoration? he said, He does not recollect the Reasons that he understands he assigned in the Letters he annually wrote to the Court of Directors, for Permission to remain in England.

Mr. Sullivan afterwards begged Leave to observe to the Committee, that, upon further Examination at the India House, he does not find that any Letters had been wrote by Mr. Macpherson to the Court of Directors; and that he does not recollect that any particular Reasons were assigned for their Permission for him to remain in England.

Being asked, Whether he has seen the Paper on account of which Mr. Macpherson was discharged from

from the Company's Service? he said, He thinks he has—Being asked, Whether he considers the Principles laid down, and the Conduct related in that Paper, to be such as to entitle a Servant of the Company to be promoted to the Supreme Council of India? he said, As Mr. Macpherson was restored to the Service before he came into the Direction, that Paper could make no Part of his Consideration, as he then stood acquitted of all those Charges by his Restoration—Being asked, Whether he knows that he ever was acquitted of the Charge of writing that Paper? he said, He never heard that he was particularly acquitted of that, but he understood, he was generally acquitted—Being asked, Whether he looked into the Company's Records, to examine of what Nature and upon what Grounds that general Acquittal was made? he said, He does not remember that he did; he found him restored, and did not consider at the Time that there was any Necessity to enter on his past Conduct—Being asked, Whether when a Servant of the Company is about to be put into a Situation of the highest Trust, from an inferior and subordinate Station, he thinks it enough to find him restored to that subordinate Station by former Directors, without any apparent Examination of the Charge against him, which appears upon the Company's Records uncontradicted and unexplained? he said, When he gave his Vote for the Appointment of Mr. Macpherson, he took into Consideration all Circumstances at the Time, and considered him as the fittest Person for that Appointment—And being asked, Whether he approves of the Object of his Commission from the Nabob of Arcot in the Year 1767, and of his Proceedings in consequence of that Commission? Mr. Sullivan repeated his Answer to the foregoing Question.

Mr. Sullivan being then asked, Whether he took into Consideration the Circumstances of the Paper produced in Consultation at Madras the 22d January 1776, and which was printed and circulated in London, and was then actually under the Consideration of the Court of Directors, and had been submitted to the Opinion of their Counsel, who gave an Opinion against the Legality of the Restoration to the Service? he said, That Paper was certainly before them at the Time, as well as an Opinion of Mr. Wedderburne, who had stated, that Mr. Macpherson's Dismission was not legal—Being asked, Who delivered to the Court of Directors that Opinion of Mr. Wedderburne? he said, He does not know, it was in the Court on his Return to the Direction—Being asked, Whether he saw the Case on which that Opinion was given? he said, He does not recollect that he did—Being asked, Whether he does not know, that the Opinion when delivered in was not annexed to a Case? he said, He only knows that upon his coming into the Direction, an Inquiry was made, and no Case could be found, as well as he recollects—Being asked, Whether that Opinion of Mr. Wedderburne was taken by Order of the Court of Directors? he said, He has heard that it was not—Being asked, Whether Mr. Sayer's Opinion was taken by Order of the Court of Directors? he said, He believes it was—Being asked, Whether it was an Opinion upon a Case stated? he said, He believes it was—Being then asked, Why then did he prefer an Opinion given without a Case upon no Reference from the Court of Directors, and which came he knew not how under their Consideration, to an Opinion delivered upon solemn Reference to the Company's own Standing Counsel, by a regular Order of the Court of Directors, and with a Case stated agreeable to that Order? he said, He conceives that Mr. Wedderburne, when he gave that Opinion, had sufficient Information before him; and he considered Mr. Wedderburne's Opinions to be greatly superior to those of Mr. Sayer—Being asked, Whether he took any Measures to ascertain whether he had a proper Case before him? he said, No; he only judged from the Papers before the Court—Being asked, Whether he considered Mr. Sayer to be a Man of Ability and Knowledge in his Profession? he said, He recommended Mr. Sayer to the Company as a Man of Abilities in his Profession, but those Abilities were greatly impaired in the latter Part of his Life—Being asked, Of what Age Mr. Sayer was at that Time? he said, He should suppose near Seventy—Being asked, Whether he thought that a Person who considered it as difficult to persuade the Nabob of Arcot, his Employer, "That Men who would not receive his (the Nabob's) Presents, had any serious Intention to serve him," was a fit Person to be employed by the Company, in a Situation in which all Dealing in Presents was forbid by Law? he said, He begged Leave to decline answering that Question—Being asked, Whether a Person "who availed himself of the Disputes which subsisted, or were commencing, between the First Lord of the Treasury and the India Directors, to enforce the Propriety of supporting the Nabob," was a fit Person to be confidentially employed in the highest Station of the Company's Service? he said, He begged Leave to decline answering that Question—Being asked, Whether Mr. Macpherson's Assertions, "that he was the First Person in England, to make any public Mention of the Guaranteement of the Nabob of Arcot by the Treaty of Paris," rendered him a fit Person to be employed in the Company's Service? he said, He declined giving any Answer to that Question—Being asked, Whether he had read the 4th Article of Mr. Macpherson's Memorial to the Nabob of Arcot? he said, He does not recollect—Being asked, Whether he does not know that the Succession to the Nabobship of Arcot, and its Dependencies, was confirmed to the eldest Son of the Nabob Mahomed Ali, by one of the Instruments by which he held his own Government, and that this Treaty was negotiated by Lord Clive? he said, He thinks he does remember it—Being asked, Whether he does not think that the Company, and the Company's Servants, had a Right to interfere, in order to secure that Succession according to the Tenor of the Treaty? he said, Yes, surely—Being asked, Whether or not any Person proposing, and stipulating at his own Expence, to bring about an Act of Parliament, to make it a Crime in the Company's Servants against the State, to interfere with the Government and Succession of Indian Princes in Treaty with the Company, was a fit Person to be appointed of the Supreme Council of India? he said, He must decline to answer that Question

Question—Being asked, Whether he called upon Mr. Macpherson for a Copy of a Proposal for the Purpose abovementioned, which in his Memorial he states to have been accepted by the Secretary, in order to be laid before Lord North and Mr. Dyson? he said, He begged Leave to decline answering that Question—Being asked, Whether about the Time of Mr. Macpherson's Negotiation in England the Nabob of Arcot did not appear upon the Company's Records to be in Arrear in his Payments to the Company; that he was greatly in Debt to Individuals, as well English as Natives; and that he was borrowing (as he asserted) Money upon an exorbitant Usury, in order to pay those English their Debts? he said, He could not from his Memory speak to those Points as to Dates, but he believes the Facts as mentioned in the Question—Being asked, Whether any Agent of the Nabob of Arcot, offering to lend to the Public a Sum of £. 700,000 and upwards, at £. 2 per Cent. whilst he was in Debt to the Company, and borrowing Money at £. 20 per Cent. and upwards, and in a Place where the Company could not borrow Money at less than £. 8 per Cent. was not guilty of an Injury to the Company, and of an Attempt to deceive His Majesty's Ministers, to whom he offered this Sum of Money at that low Interest? he said, He begged Leave to decline answering that Question—Being asked, Whether such Agent making an Alternative, in case the Proposal to the Public should not be accepted, of lending the same, or a greater Capital, to the Treasury, as a pretended Pledge of his Fidelity and Trust in the British State, was not, in his Opinion, a dangerous Attempt on the Constitution of this Kingdom, and a Matter highly prejudicial to the Interest of the East India Company? He declined answering that Question.

It being represented to Mr. Sullivan, that as Mr. Macpherson in his Memorial had declared that he had put Pamphlets into the Hands of His Majesty's Ministers, in which it was proposed to raise the Nabob to the Musnud of the Decan; he was asked, Whether it was not an Attempt to lead His Majesty's Ministers into a Violation of the public Faith of this Kingdom; and whether it had not a Tendency to spread Blood and Devastation through a great Part of India? he said, He must decline answering that Question—Being asked, Whether he has not heard, or read upon the Records of the Company, that the Transaction in India for the Purpose of usurping the Musnud of the Decan, has not been censured by the Court of Directors in the strongest Terms as a dangerous and corrupt Transaction? he said, He must decline answering that Question—Being asked, Whether he knows of any unjust Debts claimed by the Company from the Nabob of Arcot for the Expence of the late War? he said, He cannot say he does—Being asked, Whether he thinks that Mr. Macpherson pretending to proclaim in certain Publications, Royal and Ministerial Determination of supporting the Nabob, especially against any unjust Debts that might be brought against him for the Expences of the late War, rendered him a fit Person to be employed in the Supreme Government of the Company's Affairs? he said, He must decline answering that Question—Being asked, Whether a Person who publishes certain pretended authoritative Letters to the Supervisors sent out for the Reformation of the Company's Affairs, in Support of the Nabob, was a fit Person to be appointed in the highest Post of Superintendency in India? he said, He begged Leave to decline answering that Question—Being asked, Whether a Person whose Services are by himself stated to be of that Nature, that he could only explain in Conversations with the Nabob, was a fit Person to be employed in the highest Trust in the Company's Service? he said, He begged Leave to decline answering that Question—Being asked, Whether he does not know that in consequence of those Negotiations there did not arise the most violent Diffensions and Disputes between the Ministers sent out by the Crown to India and the Servants of the Company resident there? he said, He could not give an Answer to that Question—Being asked, Whether he has ever heard from the Chairman of the Company, that Mr. Macpherson was recommended to an Appointment in the Supreme Council by any of His Majesty's then Ministers, or those acting under them? he said, No—Being asked, On whose Recommendation he was appointed? he said, By no particular Recommendation; he applied to the Directors individually.

A P P E N D I X.

N^o I.

Extract of Fort Saint George Military Consultations, 22d January 1776.

P R E S E N T,

The Right Honourable Lord Pigot, Governor, President,

George Stratton,	Robert Fletcher,
George Dawson,	Henry Brooke,
Claud Russell,	Alex ^r Dalrymple,
John Max ⁿ Stone,	Arch ^l Palmer,
Francis Jourdan,	George Mackay.

THE Right Honourable the President acquaints the Board, that a Paper, unsought for and unsolicited, had been put into his Hand; that there was no Signature affixed to it, but that it contained Matter of so dangerous a Tendency to the Interests of the Company, that he has thought it expedient to lay it before them.

Whereupon the Paper, as delivered in by the President, is read as followeth:

A short Memorial of Services rendered to his Highness the Nabob of the Carnatic, Waulaujau, &c. &c. whom he sent upon a secret Commission to His Majesty's First Minister of State, 1767.

The Object of this Commission was to procure Relief from the Oppressions under which the Nabob was labouring, though in Alliance with Great Britain. It was necessary the Commission should be secret, as well as the Powers to execute it confined, for several Reasons.

To procure this wished-for Relief, the Means to be employed were, if possible, to raise in the Breast of the Prime Minister a favourable Respect for the Nabob; then to lay before him, not in the Mode of direct Complaint, of which he might avail himself against the Company, the Distress of the Prince; likewise to shew the Advantage which would arise to the State, from granting him the proper Protection, and supporting him in the Rights of his Alliance.

1st. Upon my Arrival at the Court of Britain, towards the End of the Year 1768, I found Two important Changes had happened in Administration: The Earl of Chatham had retired in such a Manner from Power, as convinced the most intelligent upon those Subjects, that there was little Prospect of his ever again possessing a Lead in Administration; the Earl of Shelburne had been dismissed, at the Instigation of the Duke of Grafton, from the Office of Secretary of State.

These Changes, however unexpected, did not discourage my Resolution of supporting the Cause of the Nabob; whoever had the Favour of the Sovereign, it was my Business to interest him in the Support of my Employer.—But, fortunately, the Favourite and Minister was a Personage of the first Distinction, of the noblest and most steady Principles; every Consideration pointed out his Grace as the Member of the British Empire whose Friendship and Support, next to those of the Sovereign, were the most desirable to the Cause of the Nabob; but above all, the Consideration of his being at the Head of Affairs, rendered it necessary to apply to the Duke of Grafton.

I accordingly obtained from my Patron and Friend, the Earl of Warwick, a Letter of Introduction to his Grace. With this Letter, which declared, from his Lordship's intimate Knowledge of

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me, that a perfect Dependance might be made upon my Honour and Judgment, I waited upon his Grace, and first presented him with a general State of India, and a Plan by which the Concerns of that Country might be turned to the Public Advantage; and which has since been partly adopted.

~~This Plan I drew out and presented, with a View of discovering his Grace's Sentiments before I~~ was explicit; the Consequence was favourable. I signified in some Degree my Commission; and on the 8th of December I received a Letter from his Grace to wait on him.

It was unnecessary to act with further Reserve, his Grace spoke so feelingly of the Oppression under which the Princes of India laboured from the usurped Authority of the Commercial Subjects of the State.

I then expatiated upon the superior Merits of the Nabob; shewed that he was the Person to whom Britain owed the Rise of her Power in India, that his Attachment and unfulfilled Honour to the English were unparalleled. I then dwelt upon the personal Merits as a Statesman and Gentleman; and shewed, that though he had Assurances of Protection under the Sovereign Hand, he was treated with Indignity, and even Tyranny.

The Letters and Credential Presents were then presented; the Answer of the Duke of Grafton did Honour to the Minister of the best of Kings and the first of Nations.

“ Sir,

“ It is my sincere Disposition that the Nabob should have every Support that is consistent with the Power and Interests of the Crown to give; I will gladly receive from you every Proposal upon that Subject, and warmly represent them to my Sovereign; and I desire you to believe, that the Nabob's Interest runs no Risque from my Want of Caution. If you write him, inform him of my Wishes for his Prosperity, and explain to him that I will not accept his Presents, however great my Respect for him is; I will have no Return for the just Regard I owe him as a Man, but my own Sensibility. It is from my Fidelity to my Master and Duty to my Country, that I will only serve him as a Minister.”

Overwhelmed with the Nobleness of this Answer, I took up the Presents, and offered them, in the Name of the Nabob, to his Grace's Secretary, Mr. Bradshaw: Upon which Mr. Bradshaw said,

“ Sir,

“ Were it in my Power to shew my Respect for the Prince you serve with such affectionate Zeal, he should have every Proof of it. You seem to merit my Regard, but you'll forfeit it if you insist upon my disgracing the Example of the Duke of Grafton.”

I cannot describe what I felt upon this Occasion; upon reflecting, I thought it would be difficult to persuade my Employer, that Men, who would not receive his Presents, had any serious Intentions to serve him; I likewise apprehended, that being without any Proof of having insisted upon their being received, my Want of Persuasion would be found fault with. Upon my making these Objections, the Secretary said:

“ From the Confidence the Nabob has placed in you, any Representation you are pleased to make him, will convince him; but we do not wish him to judge of Things from their Representation, but from their Event. If he will find his Cause espoused here, and the consequent Effects in his Situation, you will have less Difficulty in persuading him that the Minister can be his Friend without receiving his Presents.” This passed at a subsequent Interview, to which I was appointed, by a Letter from his Grace, on the 20th January 1769.

2d. Having represented the Nabob's Distress, and the Oppressions under which he laboured, in the most cautious Manner to his Grace, I availed myself of the Disputes which subsisted, or were rather commencing, between his Grace, as First Lord of the Treasury, and the India Directors, to enforce the Propriety of supporting the Nabob. This Dispute was about the Territorial Acquisitions of the Company. His Grace was going to refer the Decision of this Question to Parliament. I seized the Opportunity; but it is now unnecessary to be explicit upon this Subject. The Nabob may inform himself of my Arguments, by looking to the Memorial, N° 2. now in his Possession. I can only upon this Head refer to the Alteration of the Minister, and Spirit of my Writings, which had always this useful Tendency to the Nabob's Interest, they shewed that the firm Support of his Highness in the Rights of his Guaranteement by the Crown, was the best Restraint which Government had upon the Usurpations of the Servants of a certain Company.

The Nabob will likewise be pleased to inform himself, whether there was ever any public Mention made of his Guaranteement, by Article 11th of the Treaty of Paris, prior to my Applications for him in England—I remember none.

3d. The cautious Manner in which I presented the Nabob's Applications to the Duke of Grafton, in his Ministerial Character. My prefatory Address to those Applications was in these Words:

“ To his Grace, and &c. &c. &c.

“ It is not solely in your Character of First Minister of the British Empire, that your Grace is expected

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“ expected to receive these Applications in Favour of the Nabob; they are likewise addressed to your Grace as the Personage whose Rank, Greatness, and Liberality of Mind, render you the most worthy of receiving the Address of Princes who are allied to your Nation; as your Zeal and Influence in the Service of your Country, and Sensibility of the Rights of Mankind, render your Grace the most capable of preserving those Alliances, to the mutual Advantage of the State and the Princes on whom they are bestowed.”

From the Tenor of my Applications and Representations of the Nabob's Merits, I will venture to say that I have obtained him the Friendship and Esteem of his Grace; of this the Nabob I hope is not insensible.

4th. The Steps I took, at my own proposed Expence, to bring about an Act of Parliament, limiting the Power of the Company's Servants, and making it a Crime in them against the State, to interfere with the Government and Succession of the India Princes in Treaty with the Company, and my Endeavour to make this Act particularly relative to the Nabob and his Posterity.

A Copy of my Proposal to this Purpose, accepted by the Secretary, of my Correction, that he might afterwards lay it before Lord North and Mr. Dyson, is now in the Hands of the Nabob here: His Highness will see that I stipulated to be at the Expences of the Act, &c. out of my Pocket; the Utility of it he will I hope be sensible of.

5th. The Manner in which I executed the Nabob's first and grand Injunction to me, his Desire of sending a Capital of Seventy Lacks of Rupees to the Public, at the low Interest of Two per Cent. The Words of my Proposal upon this Subject to his Grace, as First Lord of His Majesty's Treasury, as follows:

“ P R O P O S A L.

“ The Nabob, from his Knowledge of Security of the British Funds, the precarious Tenure of pecuniary Property in India, and his Desire of providing for his youngest Children, proposes to invest a Capital of 70 Lacks of Rupees, in any of the National Stocks of Britain, as the Minister would direct him; the Money would be remitted to Europe in Three Annual Payments. On Receipt of these Sums, Obligations drawn up, so that the Nabob might be secure his Property should be remitted to him.”

“ If the foregoing Proposal should not be agreeable, the Nabob would lend the same or a greater Capital to the Treasury, as a Pledge of his Fidelity towards and Trust in the British State.”

It is impossible for me to express the noble and respectable Idea which this confidential Proposal gave of the Nabob to the Minister.

My subsequent and frequent Interviews with the Secretary of the Treasury, Mr. Bradshaw, as appears by his Letters, which are in the Order of their Dates in 1769, May 16th, D^o 30th, June 17th, July 7th, September 27th, D^o 30th, October 19th, November;—in 1770, January 13th, February 9th, &c. &c. &c. These Interviews were all to advance the Nabob's Interest: I cannot recapitulate the interesting Subjects of them here; they might afford Subject for a Volume; they are not now so material, since the Object sought in Confidence is obtained, His Majesty has been pleased to grant the Support.

6th. My going to Sir John Lindsay at his House in Bentinck-street, at the Time he was getting his Secret Commission, and my recommending to him then, and there after by a Letter, in a warm Manner, to support the Nabob; my urging him to wait on the Duke of Grafton, to get a more enlarged Commission. Sir John Lindsay's Answer to me upon this Occasion was much in the Style of a Gentleman and Minister; he said, “ He would disinterestedly support the Nabob according to his Powers from his Master; that his Commission came immediately through Lord Weymouth the Secretary of State, and that he would wait on the Duke of Grafton out of Compliment due to the Minister.”

This might be one Cause why the Duke said only to him, when he did wait, “ Take Care the Servants of the Company do not make War to the Prejudice of the State and its Allies, for their own Emolument.”—Sir John will, I hope, attest for me here, how I wanted him to be present at the Account I gave the Nabob of the Discharge of my Commission; his Reasons were ministerial for not being present.

To this I will add the Steps I took in London to procure the Nabob a Security against the Supervisors, by endeavouring to find out Mr. Vansittart's Intention under his own Hand; this I did in a Manner I cannot publicly explain; Mr. Vansittart's Letter will shew this, and the Use to which I turned it for the Nabob.

7th. The Friends I interested in the Nabob's Prosperity (besides those of the Ministry I addressed) and that without discovering to them my Commission.—Those Friends I interested for the Nabob, for fear of a Change in Administration; the Chief of them is the Earl of Shelburne, whom I found very inquisitive in his Conversation about the Affairs of the Carnatic, as may appear by a Letter with which I was honoured by his Lordship; I wrote his Lordship over Land from the Malabar Coast, after Receipts of my Charge from the Nabob; but he was out of Ministry upon my Arrival in England, and violently in Opposition. I never asked whether he received my Letter, though I believe

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believe he did, for he judged me to be in the Nabob's Interest. I could not explain any Thing to his Lordship, but at his Request sent him the Pamphlets about the Nabob's Affairs, especially that where it was proposed to raise the Nabob to the Musnud of the Decan: "You see, (said his Lordship,) how attentive I am to these Subjects." "I request your Lordship to continue so," was my Answer. This passed when I took Leave. He spoke well of the Nabob, and told me he had presented the fine Diamond Ring by Mr. Palk to His Majesty.

The Earl of Warwick, Lord Grenville, &c.—the Friendship of the Earl of Warwick is so disinterested, that he forbids any Return of Presents to them: I might add many other respectable Names, but Circumstances forbid.

8th. My Publications for a Year and a Half in Favour of the Nabob.—The Aim of these Publications was to interest not Ministers and Directors alone in his Favour, but the whole British Nation. See the Letters in the Public Advertiser, signed _____ and the Letters dated from Arlington Street, where the Minister lived.

In these Publications I proclaimed the Royal and Ministerial Determination of supporting the Nabob; especially against any unjust Debts that might be brought against him for the Expences of the last War. Let those Essays speak for themselves; but I will venture to assert, that relative to the Expence of the War, I have rendered a signal Service to the Nabob.

But from all my Publications in Favour of the Nabob, I must distinguish the Character and Print of him, which I published in Major Dowe's History, Second Edition; and the Article I got inserted in the same History, vindicating the Nabob's Father, Anveruldeen Cawn, from a Charge the Historian had fixed upon him, that of murdering his Predecessor Abdalla.

Copies of his History so printed at a great Expence, were put in the Hands of the Ministry, with what related to the Nabob in red Characters.

The Cause of this Publication in Support of the Nabob's Honour, was a Suspicion that his Enemies were whispering against his Fidelity to the English, upon the Arrival of the Dutton (1769) Indiaman, from India in December; which Event detained me Half a Year longer at the Court of London: It was upon this Occasion I addressed the authoritative Letter in Support of the Nabob to the Supervisors in the Public Advertiser.

A very effectual, though more general Service, that those Publications rendered, was, first to the Nabob—The Restraint they occasioned at the India House, and the Lights they gave, the able, attentive Secretary, Mr. Wood, a Person of his Honour, will admit.

9th. That I returned to India, endured a most perilous Voyage, to render my Negotiation effectual to the Nabob's Interest, not to solicit Rewards and Expences, which I might have had better perhaps remitted to me in England.

But above all, that I have spent the greater Part of my Fortune, and Four Years of the most interesting Period of my Life, in rendering these Services, and others, which I can only explain in Conversations to the Nabob.

In Answer to this Memorial, those who attend solely to the Nabob's immediate Convenience, will ask, what Proofs have you brought of those Services?

This is a Question which the Nabob himself will be cautious of putting; but the Answer would cause no Embarrassment.

The Event of the Negotiation, my Honour unforfeited, and in which the Trust and Confidence were put, in the Time of the Nabob's Distress; the Letters under the Hands and Seals of the Duke of Grafton and the Secretary of the Treasury, attesting to that Honour; other Letters from the Nabob's Friends; my Publications; the Particulars of this Memorial; my Request at my Arrival here, that His Majesty's Minister should be present at the Account I gave of my Negotiation; my ready and earnest Desire to give the Nabob, under my Hand and Seal, this Memorial of a secret Negotiation, without receiving the Expences I incurred, and the Rewards promised for effecting the Business I undertook.

What other Proofs are wanted? If there are any more wanted, they must be obtained by Command of His Majesty to His Ministry: The Negotiation becomes then a Public one. I have in that Event the Happiness to feel that I have done my Duty as a Man of Honour and Fidelity to the Trust reposed in me by the Nabob, as a faithful Subject to His Majesty.

The only Bonds I had for the Expences that I was to incur, and my proposed Services, were the Honour and Gratitude of the Nabob, which will never be forfeited to his most faithful Servant.

At the Desire of the President, Mr. Macpherson is then called before the Board; and upon being asked, Whether or not he is the Author of it? the same being first read to him, he replies, "That it is impossible for him to give a precise Answer to that Question, the Paper being neither wrote in his Hand, nor signed by him; nor does the President inform him that he has received it from any Authority;—it is a Paper of considerable Length, and refers to Transactions previous to his being in the Company's Service."

Mr. Macpherson is then ordered to withdraw.

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Copy of Fort Saint George Military Consultation, the 23d January 1776.

P R E S E N T,

The Right honourable Lord Pigot, Governor, President,

George Stratton;

George Dawson;

Claud Russell;

John Maxⁿ Stone;

Francis Jourdan;

Sir Robert Fletcher;

Henry Brooke;

Alex^r Dalrymple;

Archd^l Palmer;

George Mackay.

The Minutes of last Consultation read.

The Right honourable the President having given Time to consider the Subject of what passed in Yesterday's Consultation, at which Mr. Macpherson, when sent for before the Board, and asked, "If he was the Author of the Memorial then read to him," in an evasive Manner replied, that "He could not give a precise Answer; that it was not written in his Hand, nor signed by him; and that it referred to Transactions before he was in the Company's Service," the President observes to the Board, that a Person holding such Principles, and being concerned in such Transactions, who at the same Time should apply to be appointed into the Service of that Community whom he was endeavouring to destroy, was, instead of an Extenuation, the highest Aggravation; and that Mr. Macpherson's Reply is a clear Proof, not only that he is the Author, but he still holds the same Principles, unfaithful to the Company, and ruinous to their Interest; and is therefore a very improper Person to remain in their Service: On which Account he strongly recommends to the Board, "that John Macpherson be dismissed from the Company's Service;" which Instance of condign Punishment, he has great Reason to think, will tend very much to bring the Affairs of the Company to Order.

Carried in the Affirmative by a Majority of the Board, Nine to Two.

Messrs. Stratton, Brooke, Jourdan, and Mackay, deliver in the following Minutes.

We assent to the Motion of the Right honourable President: We own we are satisfied that Mr. Macpherson is the Author of the Paper which was delivered at the Board by the President, and read to Mr. Macpherson. Because we think a Man of the intriguing Disposition which that Paper shews Mr. Macpherson to be, is very unfit to be employed as a Servant of the Company; but more especially, because we believe Mr. Macpherson has been concerned in the Intrigues, which the greater Part of the Board must be sensible have lately been carried on at the Nabob's Durbar, to the Detriment of the Company's Service, and which may have impeded the Execution of their late Orders.

We think, that the peculiar Circumstances of the Case, and the present critical Situation of Affairs, not only render such an Example necessary, but justify the Manner of doing it. Nevertheless, we are fully and clearly of Opinion, that in general, when a Charge may be made against any Servant of the Company, the Mode prescribed in the 20th Article of their printed Regulations to Bengal, bearing Date ought to be strictly adhered to; nor ever deviated from, but when some particular Emergency may require an immediate Example.

Geo. Stratton;

Henry Brooke;

Francis Jourdan;

Geo. Mackay.

Mr. Stratton subscribes to every Part of the foregoing Minute, except referring to the 20th Paragraph of the printed Instructions; for he does not look on them as any ways binding in us; notwithstanding which, he is of Opinion that in Cases where a Charge is wanted to be proved, a sufficient Time should be given to the Party to make his Defence. In the Case of Mr. Macpherson this does not appear to Mr. Stratton any ways necessary; for had not Mr. Macpherson been the Author of the Paper, he was at full Liberty to say so when called upon; but as his Answer implies that he was the Author, Mr. Stratton therefore gave his Assent to the Resolution taken by the Majority of the Board.

Geo. Stratton.

General Sir Robert Fletcher desires that his Opinion may be entered as followeth:

Sir Robert Fletcher cannot consent to the Dismission of Mr. Macpherson; because he thinks the Case of Mr. Macpherson comes within the 20th Article of the Company's Instructions; a Mode of Proceeding which the Board has not observed.

Rob^t Fletcher.

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Mr. Palmer dissents from the Resolution of the Majority.

Although Mr. Palmer thinks Mr. Macpherson's Conduct deserving of Censure, yet he cannot but dissent from the Opinion of the Board in dismissing him the Service; as so great a Space of Time has elapsed since the Time of the Transactions of Complaint against him; and that at the Time the Circumstance did happen, Mr. Macpherson was not a Servant of the Company.

Archdale Palmer.

The following Letter being wrote and approved, the Secretary is ordered to send it to Mr. Macpherson.

To Mr. John Macpherson.

Sir,

I am commanded by the Right Honourable the President and Council to acquaint you, that they have thought proper to dismiss you from the Service of the East India Company; and you are hereby dismissed accordingly.

Dated in Fort Saint George, the 23d January 1776.

By Order of the President and Council,

R. Sullivan,

Secretary.

A P P E N D I X, N^o 2.

Extract of Fort Saint George Military Consultations, 5th February 1776.

PRESENT, as before

READ the following Letter from Mr. Macpherson:

My Lord, and Gentlemen,

Choultry Plain, 1st February 1776.

I have received a Letter from Mr. Secretary Sullivan, dated the 23d of January, in which he informs me that you have been pleased to dismiss me from the Service of the Honourable Company.

That a Punishment the severest you could inflict, and so deeply injurious to my Honour and Interest, should precede any Advertisement given me of a Delinquency, cannot but affect me with Astonishment and Concern.

From the Commencement of my Service to the Company, this Government has, till now, distinguished me with Favour, and was often pleased to honour me with Marks of the greatest Confidence. I had every Reason to expect a Continuance of the same Favour under the Administration of the noble Person now at the Head of the Government, whose Character I had long respected and admired.

Considerations of Gratitude and Obedience, founded upon these Circumstances, have induced me for some Days to submit silently to my Dismission. I thought the Board, if even disregarding of my Situation, would, in Justice to themselves and their Superiors, have ordered me a Copy of their Proceedings against me. I now find that any longer Silence may be prejudicial to me. I consider that my Defence, which, in Justice and Propriety, ought to accompany the Account of my Dismission, may be frustrated for the present, by the speedy Departure of the Ship now under Dispatch for Europe.

It cannot surely be displeasing to the Honourable Board that I should claim the Privilege of a Defence, though in that Defence must be involved a Complaint of my having been dismissed without a Hearing.

Every Englishman, I hope, believes that a Liberty of Defence and Justification to the Accused, is an established Right under every regular Government, and entirely consonant to the Principles of natural Justice and the common Law of England. The Company, far from precluding their Servants from this Right, have lately and expressly established it to them upon the firmest Basis, in their printed Instructions founded upon an Act of Parliament.

Though you have thought proper to cut me off from every Privilege belonging to a Company's Servant, by the Act which you have been pleased to enforce against me, I have still the Happiness

A P P E N D I X, N° 2, 3:

to believe, that you have no Intention to deprive me of future Redress. Conscious of Integrity and Fidelity in all my Actions, either as a Subject to His Majesty or a Servant of the Company, I place your Resolution of Dismissal entirely to the Account of Misrepresentation or Misunderstanding. It is therefore my most ardent Wish to pursue a Line of Vindication worthy of the Character I profess; open, candid, and liberal. I am not destitute of Personal Friends in England: I might even claim the Honour of ranking among them Names of Weight in the Company and Lustre in the State. It is, at the same Time, my Intention not to drop in private Representation a single Suggestion which I would not wish recorded upon your Consultations. I desire to owe nothing to Favour; but to stand acquitted or condemned upon the Grounds of the Proceedings against me.

In order therefore that I may openly avail myself of the Course of Justice to the Tribunal of the Honourable the Court of Directors, I take the Liberty to request that the Board would inform me by Letter, whether any Accusation has been preferred against me, and if so, what the Nature of that Accusation is, and who is my Accuser. If informed in the Manner I request upon these Subjects, and upon being furnished with a Copy of the Proceedings against me, I will do myself the Pleasure of transmitting, through the Board, my Vindication and Defence for their Remarks, and for the Judgment of the Honourable Company.

I have the Honour to be,
My Lord, and Gentlemen,
with very great Respect,
Your most obedient,
and most humble Servant,
John Macpherson.

Ordered, That Mr. Macpherson be furnished with a Copy of the Proceedings against him.

A P P E N D I X, N° 3.

Case respecting Mr. Macpherson's Dismissal; and Mr. Sayer's Opinion thereupon.

PLEASE to see the Paper herewith, intituled, "Extracts of Minutes of Consultation, relative to the Dismissal of Mr. John Macpherson."

Also his Letter to the Court of Directors.
Also see the Act of Parliament of 13th Geo. III. Cap. 64. respecting the Mode of restoring Servants of the Company who are dismissed for Misbehaviour.

It appears that Mr. Macpherson was not taken into the Company's Service till 9th October 1769, when he was appointed a Writer; and on the 30th of that Month he entered into the usual Covenants with the Company, engaging to serve them for Five Years from the Time of his Arrival at Fort Saint George.

Your Opinion is desired, Whether, if the Company shall see it proper to restore Mr. Macpherson to the Company's Service, it may be done by the Majority of the Court of Directors, or whether it will require a Vote of Three-fourths of the Directors and Three-fourths of the Proprietors, in the Mode prescribed by the Act of Parliament?

I have read Extracts of Minutes of Consultations, relative to the Dismissal of Mr. John Macpherson; also his Letter to the Court of Directors.

I think Mr. Macpherson was informally dismissed the Company's Service, and I do not think he can be restored without the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors, under the Act of the 13th of George the Third: And it is worth while considering, if Mr. Macpherson should be restored, whether he is a proper Person to be continued in the Company's Service. He has in my Opinion, too much Connection with the Nabob of Arcot, and when the Company's Interest and Nabob's are opposite, as they will often happen, they will greatly disturb a Man of Honour and Integrity.

C. Sayer.

11th February 1777.

APPENDIX, No 4.

Mr. Wedderburne's Opinion on Mr. Macpherson's Dismissal.

(Signed)

Al. Wedderburn.

7th March 1777.

Received from the Chairman, 2d July 1777.

See Par. in Fort Lre. of the 4th Do.

A P P E N D I X, N^o 5.

Article 7. **T**HE exalted and illustrious Emperor Shaw Allum, having been pleased, out of his great Favour and high Esteem for the Nabob Wallau Jau, to give and grant to him and his eldest Son Meyen Ul Mulck Omdetul Omrah, and their Heirs for ever, the Government of the Carnatic Payen Gaut, and the Countries dependent thereon, by his Royal Firmaund, bearing Date the 26th of August 1765, or the 27th of the Moon Zuphur, in the 6th Year of the said Emperor's Reign; and the Nabob Aufuph Jau Nizam ul Mulck, &c. having also, out of his Affection and Regard for the said Nabob Wallau Jau, released him, his Son Meyen Ul Mulck, &c. and their Heirs in Succession for ever, from all Dependence on the Decan, and given him a full Discharge of all Demands past, present, and to come, in the said Carnatic Payen Gaut, by a Sunnud under his Hand and Seal, dated the 12th of November 1766, in Consideration of the said Nabob Wallau Jau having paid the Soubah Five Lacks of Rupees, it is now agreed and acknowledged by the said Aufuph Jau Nizam Ul Mulck, that the said Nabob Wallau Jau, and after him his Son Meyen Ul Mulck, and their Heirs in Succession, shall enjoy for ever, as an Ultumgau or Free Gift, the Government of the Carnatic Payen Gaut in the fullest and amplest Manner; the said Nabob Aufuph Jau promising and engaging not to hold or keep up any Kind of Correspondence with any Person or Persons in the said Carnatic Payen Gaut, or in the Circars before and now ceded to the English Company, except the said Nabob Wallau Jau, or the said English Company, by the Means of their President and Council of Madras; who on their Part, in Conjunction with the said Nabob Wallau Jau, engage likewise not to hold or maintain any Correspondence with any Person or Persons in the Decan, except the Nabob Aufuph Jau, his Dewan, and the Securities whose Names are hereunto subscribed.

Article 8. The Nabob Aufuph Jau, out of his great Regard and Affection, and from other Considerations, having been placed to grant and confer on the Nabob Wallau Jau, and his eldest Son, Meyen Ul Mulck Omderul Omrah, several Saneds, viz.

A P P E N D I X, N^o 5. 6.

- An Ultumgau Saned; for the Whole of the Carnatic.
- An Ultumgau Saned, for the Whole of the Purgunnah of Imungundela, with the Gudda of Ghunpoora.
- An Ultumgau Saned; for the Whole of the Villages of Cathafera, &c.
- An Ultumgau Saned, for the Killedary of the Fort of Colaur.
- An Ultumgau Saned for the Whole of the District of Sonedaupé; and a full and ample Saned; containing a Discharge for all Demands, past, present, and future, on account of the Carnatic, &c.

It is hereby agreed; That all and every one of these Saneds shall be regarded equally binding with any other Article of the Treaty; and be as duly observed by the Nabob Aufuph Jau, as if entered here at full Length.

A P P E N D I X, N^o 6.

Extracts of the Minutes of the Court of Directors, respecting Mr. Macpherson's Appointment to the Supreme Council.

Friday the 24th November 1780.

IT being moved,
That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th of December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency;
Resolved, That the Consideration of the said Motion be postponed till Tuesday next the 28th Instant.

Tuesday the 28th November 1780.

The Court, according to their Order of the 24th Instant, taking into Consideration the following Motion then made; viz.
" That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency;"
It was moved, and on the Question
Resolved, That the further Consideration of the said Motion be postponed until the Appointment of a Governor of Madras is made by this Court.

Friday 15th December 1780.

The Order of Court of the 28th ultimo, for the Court's proceeding to fill up the Vacancy in the Supreme Council in Bengal, was read: Also,
The following Motion, made the 24th, and deferred till the 28th ultimo; viz.
" That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency."
And the Resolution for deferring the Consideration of the said Motion until the Appointment of a Governor of Madras is made by this Court, being likewise read,
The following Motion was made;
" The Appointment of a Governor of Madras having passed the Court; Resolved, That this Court do proceed to an Enquiry into the Conduct of the Company's Servants in Bengal, previous to the Appointment of a Member of the Supreme Council there."
And the Question on the said Motion being put;
It passed in the Affirmative.

A P P E N D I X, N. 6.

It was moved, and
Resolved, That this Court do proceed to appoint a Member of the Council General in Bengal on
Wednesday the 3d January next.

At a Court of Directors, held on Wednesday the 3d January 1781.

The Court, according to their Order of the 15th ultimo, proceeding to appoint a Member of the
Council General in Bengal ;

And the several Requests of

George Vanfittart, Esquire, and
John Macpherson, Esquire,

to be appointed a Member of the said Council, being read :

It was moved,

To postpone the Consideration of the Appointment of a Member of the Council General
in Bengal, until the Conduct of the Servants in that Presidency has been fully investigated.
And the Question on the said Motion being put by the Ballot ;

It passed in the Negative.

The following Papers were then read :

Fort Saint George Consultations, 22d January 1776.

September Letter from D^o, — 14th February 1776, Pa. 22, 24.

Letter to D^o — — 4th July 1777, Pa. 56.

A Paper, purporting to be Copy of the Opinion of the Solicitor General, and the Opinion of
Mr. Sayer respecting Mr. Macpherson.

The 11th Article of Instructions to the Commissioners, dated the 15th September 1769.

It was then moved, That George Vanfittart, Esquire, be nominated and appointed a Member of
the Council General in Bengal.

And the Question on the same being put by the Ballot ;

It passed in the Negative.

A Motion was then made, That Philip Milner Dacres, Esquire, be nominated and appointed
a Member of the Council General in Bengal.

And the Question on the same being put by the Ballot ;

It also passed in the Negative.

It was then, on a Motion,

Resolved, by the Ballot, That this Court do nominate and appoint John Macpherson, Esquire, to
succeed to the Office in the Council of Fort William, in Bengal, established by the Act of the
13th Year of His present Majesty, and continued by the Two Acts of Parliament of the 19th and
20th Years of His said Majesty, vacant by the Resignation of Richard Barwell, Esquire, if such
Nomination shall be approved by His Majesty.

Resolved, That a Memorial and Petition be presented to His Majesty, praying, That His Ma-
jesty will be pleased to signify His Consent, under His Majesty's Sign Manual, as is by the said
Act required, that John Macpherson, Esquire, may be appointed to succeed to the Office vacant
in the said Council by the Resignation of Richard Barwell, Esquire.

Thursday the 4th January 1781.

An Instrument nominating and appointing John Macpherson, Esquire, to be one of the Council
General at Fort William, in the Vacancy occasioned by the Resignation of Richard Barwell, Esquire,
was read, and approved.

Friday 5th January 1781.

Petition to His Majesty, praying his Royal Approbation of the Nomination and Appointment of
John Macpherson, Esquire, to be one of the Council General in Bengal, and

The Instrument, nominating and appointing Mr. Macpherson to the said Council, were signed.

Wednesday 10th January 1781.

His Majesty's Approbation of the Court's Nomination and Appointment of John Macpherson,
Esquire, to be one of the Council in Bengal in the room of Richard Barwell, Esquire, was laid before
the Court.

John Manship, Esquire, now delivered in the following Dissent ; viz.

A P P E N D I X, N° 6.

“ To the Honourable Court of Directors of the United East India Company.

“ Gentlemen,

“ Whenever I have the Misfortune to differ with any Resolutions of this Court, I find myself
 “ very sensibly mortified; but the Duty I owe my Constituents, obliges me, upon every *important*
 “ Occasion, to leave upon Record my Reasons for such Difference of Opinion; I therefore must
 “ desire Permission to enter this as my Protest against the Two Appointments made on the 3d Instant.
 “ —That which respects Mr. Macpherson's Succession to the Office in the Council at Bengal, now
 “ vacant, I disapprove of,

“ Because there are many Gentlemen of much superior Rank in the Service upon that Establish-
 “ ment, and in my Opinion equally capable and meritorious, therefore ought to have had the
 “ Preference; for this Reason I was for postponing that Appointment, till the Conduct, now under
 “ Consideration, of the Servants, had been fully investigated.

“ Because, by the Opinion of Charles Sayer, Esquire, our late worthy Counsel, taken the 11th
 “ February 1777, he does not hesitate to say, that in the Predicament this Gentleman stands, he
 “ cannot be appointed without Three-fourths of the Directors, and the same Number of the Pro-
 “ prietors, under the Act of the 13th George the Third.

“ I remain, with much Deference and Esteem,

“ Queen Square,
 “ 10th January 1781.”

“ Your very obedient humble Servant,

“ John Manship.”

